

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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ELECTRONICALLY FILED
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DATE FILED: 4/5/2023

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IN RE NON JUDICIAL FORFEITURE :
PROCEEDING REGARDING \$473,519.11 IN :
UNITED STATES CURRENCY FORMERLY :
ON DEPOSIT IN WELLS FARGO BANK :
ACCOUNT ENDING IN -1102 HELD IN THE :
NAME OF SHEYEN CONSTRUCT INC. :
SEIZED ON OR ABOUT MAY 9, 2022 :
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GREGORY H. WOODS, United States District Judge:

1:22-mc-286-GHW

ORDER

On October 13, 2022, counsel for the United States initiated this miscellaneous action. Dkt. No. 1. Counsel submitted a proposed stipulation and order for the Court's endorsement without any explanation for the filing other than the document's recitals. Through the proposed stipulation and order, the Government asked that the Court endorse the Government's agreement with a private company that money seized from the account of one company be returned to a different company. While the Government did not trouble itself to explain the reason for its request in its submission to the Court, by requesting that the Court order the proposed distribution of funds, the Government appears to have been asking that the Court authorize it to distribute the funds in that way without the need to file a civil judicial forfeiture complaint in compliance with the civil forfeiture statute.

Because the proposed order was supported by no supporting memorandum of law or affidavit—or, again, any explanation at all—and the Court is not a rubber stamp for any proposed order presented to it by the Government, the Court requested supplemental submissions from the United States to support its request. Dkt. No. 3. The response provided by counsel for the Government was inadequate. In particular, it did not describe the legal basis for the Government's request, relying heavily instead on the fact that the proposed order was the result of an agreed-upon settlement between the Government and a private company that had claimed an interest in the

forfeited funds.


As a result, on November 22, 2022, the Court requested briefing with additional support for the application from the Government. Dkt. No. 6. The Court's order pointed counsel for the United States to the forfeiture statute and asked for briefing regarding whether the request presented by the United States to the Court was consistent with the statute, and, if not, what the basis was for counsel's request that the Court permit the Government to deviate from the requirements of the statute. *Id.*

Since that order, several months have passed. The Government has chosen not to respond to the order. As a result, the Court understands that the Government is no longer seeking the Court's endorsement of its proposed stipulation and order.

Accordingly, the Clerk of Court is directed to terminate all pending motions and to close this case.

SO ORDERED.

Dated: April 5, 2023
New York, New York



GREGORY H. WOODS
United States District Judge